

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H

1

HOUSE BILL 732

Short Title: Peer Support Specialist Certification Act. (Public)

Sponsors: Representatives Ball, Autry, Insko, and Roberson (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Regulatory Reform, if favorable, Rules, Calendar, and
Operations of the House

April 29, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE PEER SUPPORT SPECIALIST CERTIFICATION
3 OVERSIGHT BOARD.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 43.

8 "Peer Support Specialist Certification Act.

9 "**§ 90-730. Title.**

10 This Article shall be known as the "Peer Support Specialist Certification Act."

11 "**§ 90-731. Purpose.**

12 It is the purpose of this Article to protect the public safety and welfare by certifying
13 individuals to provide peer support services, including Medicaid or State-funded peer support.

14 "**§ 90-732. Definitions.**

15 The following definitions apply in this Article:

16 (1) Board. – The North Carolina Peer Support Specialist Certification Oversight
17 Board.

18 (2) Certification. – A certification issued by the Board that authorizes and verifies
19 the individual has met all requirements under this Article to provide peer
20 support services.

21 (3) Certified peer support specialist. – An individual who has a personal recovery
22 experience and has been certified by the Board to provide peer support
23 services by completing the application process, training, examination, and any
24 other requirements established by the Board.

25 (4) Department. – The Department of Health and Human Services.

26 (5) Peer support services. – The provision of mutual, non-hierarchical support
27 utilizing an individual's personal recovery experience.

28 (6) Personal recovery experience. – A lived experience from severe and persistent
29 mental illness (SPMI), serious mental illness (SMI), or substance use
30 disorders (SUD) and their associated impacts.

31 "**§ 90-733. Establishment of the North Carolina Peer Support Specialist Certification**
32 **Oversight Board.**



* H 7 3 2 - V - 1 *

1 (a) There is established the North Carolina Peer Support Specialist Certification
2 Oversight Board. The Board shall consist of 11 members who shall serve staggered terms and be
3 appointed as follows:

4 (1) Two members appointed by the Governor, who are certified peer support
5 specialists.

6 (2) Two members appointed by the Speaker of the House of Representatives, who
7 are certified peer support specialists.

8 (3) Two members appointed by the President Pro Tempore of the Senate, who are
9 certified peer support specialists.

10 (4) One member appointed by the Director of the Division of Mental Health,
11 Developmental Disabilities, and Substance Abuse Services, who has a
12 personal recovery experience.

13 (5) One member appointed by the Secretary of the Department of Health and
14 Human Services, who has a personal recovery experience.

15 (6) Three members appointed by the North Carolina Association of County
16 Commissioners, who have a personal recovery experience.

17 (b) A Board member who is a certified peer support specialist shall satisfy the following
18 qualifications:

19 (1) Be a resident of this State for at least two years.

20 (2) Is not licensed to practice medicine under Article 1 of Chapter 90 of the
21 General Statutes, not a licensed psychologist as defined in
22 G.S. 90-270.136(6), not a licensed psychological associate as defined in
23 G.S. 90-270.136(7), not a licensed clinical mental health counselor as defined
24 in G.S. 90-330(a), not a substance use disorder professional as defined in
25 G.S. 90-113.31A(26), nor a social worker engaged in clinical social work
26 practice as defined in G.S. 90B-3(6).

27 (3) Has worked in this State as a certified peer support specialist for at least two
28 years.

29 (4) Has at least five years of experience as a certified peer support specialist at
30 the time of appointment to the Board.

31 (5) Has lived experience of recovery from SMI, SPMI, or SUD.

32 (c) In making appointments or designating representatives to the Board, appointing
33 authorities shall use best efforts to select members or representatives with sufficient knowledge
34 and experience to effectively contribute to the issues examined by the Board, and, to the extent
35 possible, to reflect the geographical, political, gender, and racial diversity of this State, including
36 age, sexual orientation, gender identity, race, ethnicity, disability, veteran status, and inclusion
37 of rural and urban communities in the Eastern, Central, and Western parts of the State.

38 (d) If a member of the Board cannot complete a term of office, the vacancy shall be filled
39 in the same manner as the original appointment for the remainder of the unexpired term. No
40 Board member shall participate in any matter before the Board in which the member has a
41 pecuniary interest or similar conflict of interest.

42 (e) The compensation and expenses of the members and officers of the Board and all
43 expenses proper and necessary in the opinion of the Board to the discharge of its duties under
44 this Article and to enforce the laws regulating the certification of peer support specialists shall
45 be paid by the Board.

46 (f) The per diem, subsistence, and travel compensation of members of the Board shall
47 not exceed limits and requirements of G.S. 93B-5.

48 **"§ 90-734. Powers; duties.**

49 The Board shall have the following powers and duties:

50 (1) Establish and adopt rules necessary to implement and enforce the provisions
51 of this Article.

- 1 (2) Adopt and publish a code of ethics.
- 2 (3) Deny, issue, suspend, revoke, and renew certifications in accordance with the
3 provisions of this Article.
- 4 (4) Conduct investigations, subpoena individuals and records, and other activities
5 necessary and proper to discipline and oversee individuals certified under this
6 Article.
- 7 (5) Employ professional, clerical, investigative, or special personnel or contract
8 with an organization as necessary to carry out the provisions of this Article
9 and purchase or rent office space, equipment, and supplies.
- 10 (6) Adopt a seal by which it shall authenticate its proceedings, official records,
11 and certifications.
- 12 (7) Conduct administrative hearings in accordance with Article 3A of Chapter
13 150B of the General Statutes.
- 14 (8) Develop standards for curricula certifications and standards for accreditation.
- 15 (9) Develop and maintain a Board website that includes an online complaint filing
16 system and procedure.
- 17 (10) Submit an annual report to the Department, which contains, at a minimum, the
18 number of complaints filed, types of complaints, grievances filed, trends
19 related to all aspects of certification, training, examination, and disciplinary
20 actions.
- 21 (11) Comply with all provisions applicable to the Board in Chapter 93B of the
22 General Statutes.
- 23 (12) Establish and approve continuing education requirements for individuals
24 seeking certifications under this Article.
- 25 (13) Request and receive the assistance of State educational institutions, health care
26 institutions, or other State agencies, as necessary.
- 27 (14) Develop criminal background check procedures in accordance with Chapter
28 93B of the General Statutes.

29 **"§ 90-735. Certification requirements; reciprocity; renewal.**

- 30 (a) An applicant for certification under this Article shall satisfy all of the following
31 requirements:
- 32 (1) Be 18 years of age or older.
 - 33 (2) Have a lived experience of a mental health or substance use disorder.
 - 34 (3) Have been in recovery for at least one year.
 - 35 (4) Have completed a training course approved by the Board.
 - 36 (5) Paid any applicable fees as authorized by this Article.
 - 37 (6) Provide written proof to the Board of a high school diploma or its equivalent.
 - 38 (7) Submit a completed application, with two letters of reference, provided by the
39 Board for certification under this Article.
- 40 (b) The Board shall develop rules necessary to issue certifications to applicants licensed,
41 certified, or registered in other states or jurisdictions that are substantially similar to certification
42 requirements established under this Article.
- 43 (c) The Board shall require each individual certified under this Article to renew
44 certification under this Article every two years through the submission of an approved application
45 by the Board. A certification expires two years after the date it is issued unless it is renewed.
46 After the first two years, a certification is to be renewed every two years on or before the date of
47 birth on the certification. To renew a certification, an individual shall meet all of the following
48 conditions:
- 49 (1) Submit an application for certification renewal.
 - 50 (2) Pay the required fees.

(3) Complete any continuing education or certification requirements in accordance with rules adopted by the Board.

"§ 90-736. Criminal background checks.

(a) The Department of Public Safety may provide a criminal background check to the Board for an individual who has applied for a certification through the Board. The Board shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, any additional information required by the Department of Public Safety, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file.

(b) The Board shall keep all information pursuant to this section privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

(c) The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this section. The Board has the authority to collect this fee from each applicant and remit it to the Department of Public Safety.

(d) If the Board denies, revokes, or suspends a certification based on information obtained in a criminal history record check, the Board shall disclose to the person the information contained in the criminal history record check that is relevant to the Board's actions. The Board may not provide a copy of the criminal history record check to the person. A person has the right to appear before the Board to appeal the Board's decision. An appearance before the Board shall constitute an exhaustion of administrative remedies in accordance with Chapter 150B of the General Statutes.

"§ 90-737. Fees.

The Board may charge fees not to exceed the following:

(1)	<u>Application for certification</u>	<u>\$225.00</u>
(2)	<u>Application processing</u>	<u>\$40.00</u>
(3)	<u>Examination</u>	<u>\$200.00</u>
(4)	<u>Application for specialization</u>	<u>\$200.00</u>
(5)	<u>Renewal of certification</u>	<u>\$150.00</u>
(6)	<u>Renewal of specialization</u>	<u>\$25.00</u>
(7)	<u>Late fee</u>	<u>\$25.00</u>
(8)	<u>Duplicate of original certification</u>	<u>\$25.00</u>

"§ 90-738. Exemptions.

(a) Nothing in this Article shall be construed to prevent the following:

- (1) An individual from conducting activities or services in offering peer-to-peer support.
- (2) Physicians, psychologists, or other licensed professionals or practitioners from engaging in scope of practice activities.
- (3) Fee-based pastoral counselors, clergy, family partners peer support, or other qualified professional group members from providing peer support and other related services.
- (4) Any individual participating in working with or participating in 12-step programs, assistance programs, or other related programs that provide support services.

(b) No individual shall claim or hold out oneself to the public as certified under the provisions of this Article unless the individual possesses a current certification as a peer support specialist.

"§ 90-739. Injunctions.

1 The Board may apply to the superior court for an order enjoining violations of this Article,
2 and upon a showing by the Board that any individual has violated or is about to violate this
3 Article, the court may grant an injunction or restraining order or take other appropriate action.

4 **"§ 90-740. Violations; penalties.**

5 (a) The Board may assess a civil penalty not to exceed one hundred dollars (\$100.00) for
6 the violation of any section of this Article or any rules adopted by the Board. The clear proceeds
7 of any civil penalty assessed under this section shall be remitted to the Civil Penalty and
8 Forfeiture Fund in accordance with G.S. 115C-457.2.

9 (b) Before imposing and assessing a civil penalty and fixing the amount of the penalty,
10 the Board shall, as a part of its deliberations, consider the following factors:

11 (1) The nature, gravity, and persistence of the particular violation.

12 (2) The appropriateness of the imposition of a civil penalty when considered alone
13 or in combination with other punishment.

14 (3) Whether the violation was willful and malicious.

15 (4) Any other factors that would tend to mitigate or aggravate the violations found
16 to exist.

17 (c) The Board shall establish a schedule of civil penalties for violations of this Article.
18 The schedule shall indicate for each type of violation whether the violation can be corrected.
19 Penalties shall be assessed for the first, second, and third violations of specified sections of this
20 Article and for specified rules.

21 (d) The Board may assess the costs of disciplinary actions against a person found to be
22 in violation of this Article or rules adopted by the Board.

23 (e) Any individual who violates any provision of this Article shall be guilty of a Class 2
24 misdemeanor.

25 **"§ 90-741. Limited immunity.**

26 The Board, its officers, employees, and staff, either personally or in their official capacity,
27 are immune from any civil liability for exercising, in good faith, the powers and duties given to
28 the Board under this Article for denying certification or reinstatement of a certification to an
29 applicant or revoking a certification based on information provided in the applicant's criminal
30 history record check."

31 **SECTION 2.** The North Carolina Peer Support Specialist Certification Oversight
32 Board shall adopt temporary rules to implement this act. The temporary rules shall remain in
33 effect until permanent rules that replace the temporary rules become effective.

34 **SECTION 3.** The initial appointments as required by G.S. 90-733, as enacted by
35 Section 1 of this act, shall be made on or before October 1, 2021, and the initial terms of the
36 appointees shall begin on January 1, 2022.

37 **SECTION 4.** Any individual who possesses a certification as a peer support
38 specialist issued by the Division of Mental Health, Developmental Disabilities, and Substance
39 Abuse Services prior to this act becoming effective shall be deemed to be in compliance with the
40 provisions of this act for the two-year period of that individual's certification. Those individuals
41 must comply with the provisions of this act when renewing their certifications when this act
42 becomes effective.

43 **SECTION 5.** Section 1 of this act becomes effective October 1, 2023. The remainder
44 of this act is effective when it becomes law.